EQ/EPA 1/25/12 Riverbank Meeting Summary

(2/14/12)

Attendees:

EPA- Chip Humphrey, Kristine Koch, Rich Muza
DEQ- Jim Anderson Keith Johnson, Matt McClincy

Issue and Goal of Meeting:

Clarify regulatory jurisdictions and source control expectations for the riverbank.

Background:

There is some uncertainty regarding DEQ and EPA jurisdiction on the riverbank and source control expectations. This applies to both the government team and the regulated community. In the context of this summary, "riverbank source control" refers only to potential surficial soil erosion from riverbanks into the river. Controlling contaminated groundwater found in river banks is beyond the scope of this summary.

DEQ believes riverbank source control at most Portland Harbor (PH) sites should be incorporated into the in-water sediment remedial design for the sediment management area (SMA) adjacent to the riverbank. It is inefficient to design and construct a riverbank source control measure down to a mid-bank jurisdictional boundary and assume it can then be incorporated without further modification into an in-water sediment remedy that has yet to be designed. DEQ recognizes that it is also inefficient from a cost and permitting perspective as well. It makes more sense to take source control measures to the top of the bank, and incorporate the riverbank measures into the in-water remedies.

Once challenge to the proposal above is in ensuring that any incomplete riverbank work is flagged for completion during the future Remedial Design phases for that area. This is especially important because during the in-water remedial investigation (RI), EPA directed the LWG to characterize the riverbank riparian zone and then subsequently withdrew the requirement. Consequently, the riverbanks were not characterized as part of the in-water RI and are not part of the in-water risk assessments or the feasibility study.

The amount of characterization required for a riverbank for source control evaluations is a site specific decision. Characterizations should be informed by the approved conceptual site model (CSM), and will range from requiring no bank data (in cases where there is heavy rip rap armoring and lack of adjacent sediment contamination) to requiring significant bank characterization (in cases of visible erosion or failure of the bank, obvious contamination, and/or significant contaminated sediment adjacent to the bank).

For many of the sites which are considered low to medium priority, the amount of available bank data is inconsistent. Some existing data is from the top of bank, collected where armoring allows or from portions of the bank above the in-water upland boundary as defined in the DEQ Agreement/Order.

Using the in-water Early Action sites as a model, DEQ has advised most RPs with riverbank properties that riverbank source control will be deferred to the remedial design work associated with SMAs adjacent to their properties.

Agreements

1) Upland source control to top of bank- DEQ should continue to require upland source control to extend at least to the top of the bank. That includes controlling groundwater plumes that may be discharging beyond the top of the bank to the riverbank or the river. Source control should be achieved by the PH record of decision (ROD) or shortly thereafter.
2) Riverbank source control evaluation (SCE)- At a minimum, DEQ should require a SCE for all riverbank sites in DEQ's source control program by the PH ROD. The riverbank SCE should identify if riverbank contamination poses a source control threat to the river, the priority of that contaminant transport pathway, and what additional source control actions DEQ may require before the PH ROD if any. If work is deferred to the in-water phase, the source control decision should be clear what the need and scope is for source control measures on the bankline.
3) Source Control Measures that go in-water-As appropriate, DEQ may want to drive certain sites into source control measures that extend in-water. This is usually based on willingness by the RP, and significant coordination with EPA. Sites like ARCO/BP (work all ready done) and EOSM (currently in design and permitting) are current examples.
4) Sites not adjacent to sediment management areas (SMAs) that are heavily armored- If a site is not adjacent or directly upstream to a SMA and if the bankline is heavily armored, preventing erosion, and slope failure isn't a concern, the riverbank SCE can be streamlined or not required.
5) Sites not adjacent to SMAs – If DEQ determines that a bankline source control measure is necessary at a site not adjacent to or directly upstream to a SMA, DEQ will direct and oversee bankline source control measures.